



FILED & JUDGMENT ENTERED

David E. Weich

Nov 25 2009

Clerk, U.S. Bankruptcy Court  
Western District of North Carolina

J. Craig Whitley  
United States Bankruptcy Judge

747.0000147

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE

Matthew Alan Miller and  
Jayne Marie Miller,

Debtors.

) Case No. 09-32106  
)  
) Chapter 7  
)  
)  
)

**ORDER**

Upon consideration of the motion filed by US Bank Home Mortgage (hereinafter "Movant"), and after required notice to all necessary parties, and there being no objections filed, the Court finds as follows:

1. That Movant has a valid lien against certain property briefly described as 4190 Fond Du Lac Dr., Slinger, WI 53086.
2. That the Debtors have been unable to provide Movant adequate protection for its interest in the real property.
3. That Movant should be permitted to foreclose its security interest in the said property.

**WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED**

1. That the stay afforded by 11 U.S.C. § 362 is hereby modified and terminated to permit Movant to proceed with foreclosure in State Court. Movant shall have a period of 180 days to file a deficiency claim; and
2. That Rule 4001(a)(3) of the Bankruptcy Code is not applicable in this case and Movant may immediately enforce and implement this order granting relief from the automatic stay.

This Order has been signed electronically. The Judge's signature and Court's Seal appear at the top of the Order.

United States Bankruptcy Court